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Attorneys for Defendants
CALIFORNIA FORENSIC MEDICAL GROUP, INC.;
TAYLOR FITHIAN, M.D.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Estate of JOSHUA CLAYPOLE,
deceased, by and through SILVIA
GUERSENZVAIG, as Administrator;
SILVIA GUERSENZVAIG,

Plaintiff,

v.

COUNTY OF SAN MATEO;
SHERIFF GREG MUNKS, in his
individual and official capacity;
COUNTY OF MONTEREY;
SHERIFF SCOTT MILLER, in his
individual and official capacity;
SERGEANT E. KAYE, in his
individual and official capacity; CITY OF
MONTEREY; MONTEREY POLICE
DEPARTMENT CHIEF PHILIP PENKO, in
his individual and official capacity; BRENT
HALL in his individual and official capacity;
CALIFORNIA FORENSIC MEDICAL
GROUP; DR. TAYLOR FITHIAN, in his
individual and official capacity;
COMMUNITY HOSPITAL OF
MONTEREY PENINSULA; and DOES 1
through 30.

Defendants.

Case No. 5:14-cv 02730 BLF

**DECLARATION OF PETER
BERTLING IN COMPLIANCE
WITH THE HONORABLE PAUL
GREWAL'S JANUARY 12, 2016
ORDER GRANTING MOTION FOR
SANCTIONS AND TO COMPEL
DISCOVERY**

Action Filed: June 12, 2014
Trial Date: April 11, 2016
PTR Conf: March 31, 2016
Judge: Hon. Beth Labson
Freeman
Ctrm 3, Fourth Floor

DECLARATION OF PETER BERTLING

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1 I, Peter G. Bertling, declare:

2 1. I am an attorney licensed to practice in California and before this District
3 Court. I represent defendants California Forensic Medical Group, Inc. (CFMG) and
4 Dr. Taylor Fithian. I have personal knowledge of the facts stated herein, and if called as
5 a witness, I could and would competently testify thereto.

6 2. On January 12, 2016, the Honorable Paul Grewal issued an Order requiring
7 me to donate \$250 to the Women Lawyers Association of Los Angeles Foundation because
8 of the inappropriate sexist remark I made to Ms. Rifkin during the deposition of Dr. Taylor
9 Fithian. On January 14, 2016, I complied with the Court's Order and attached hereto as
10 Exhibit A is a copy of the receipt I received from the Women Lawyers Association of Los
11 Angeles Foundation for my \$250 contribution.

12 3. I sincerely apologize to Ms. Rifkin for making a sexist remark to her. My
13 conduct was indefensible and inexcusable. It also violated the duty of professionalism I
14 owe to Ms. Rifkin, the judicial system, this Court and the public as a whole.

15 4. I apologize to the Honorable Paul Grewal for engaging in conduct which
16 necessitated that Ms. Rifkin file a Motion for Sanctions and to Compel Discovery. My
17 unprofessional conduct placed him in a difficult situation in which he was required to
18 justifiably issue an award of sanctions against me.

19 5. The Court's ruling has reminded me of my responsibility to refrain from
20 engaging in unprofessional conduct or disrespect toward other members of the legal
21 profession. In the future I resolve to consistently comply with the Northern District
22 Guidelines for Professional Conduct and the Federal Rules of Civil Procedure.

23 I declare under penalty of perjury under the laws of the United States that the
24 foregoing is true and correct. Executed this 18th day of January 2016.

25
26 s/s Peter G. Bertling
Peter G. Bertling

27 I hereby attest that I have on file all holograph signatures for any signatures indicated by
28 a "conformed" signature (/s/) within this e-filed document.